IN THE HIGH COURT OF JUDICATURE AT BOMBAY
Appellate Side
WRIT PETITION NO.6149 OF 2006

United Bank of India .. .. Petitioner
v/s.
The State of Maharashtra & ors. .. Respondents

Mr.B.G.Tangsali for petitioner.
Mr.P.I.Khemani, AGP for respondents.

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATED : 12th October 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. Rule. Rule is made returnable forthwith.

3. This Petition is concerning the vehicle which has its engine on the front side and container on the rear side. The vehicle involved in this matter is a cash van registered with RTO bearing No.MH-01-L-160. This vehicle is more than eight years old. The said vehicle has been seized since it does not have the CNG/LPG kit which is required for plying the vehicles in the area of Greater Mumbai.

4. The request of the petitioner is to permit the petitioner to take the said vehicle outside

the city area. Mr.Tangsali appearing for the petitioner points out that by directing the parties to pay appropriate amount of fine they have been permitted to move such vehicles outside the area of Greater Mumbai. He has drawn our attention to similar orders passed by different Division Benches, including the one dated 22nd August 2006 passed by this Bench in **Writ Petition No.5455 of 2006 (Pandurang D. Shinde vs. State of Maharashtra).**

5. Mr.Khemani, learned AGP appearing for the respondents, has submitted that the fines have been imposed in such matters ranging from Rs.10,000/- to Rs.20,000/- and that no leniency should be shown and since Rs.10,000/- to Rs.20,000/- has been the range of the fine, the vehicle should be permitted to go out on payment of Rs.20,000/-.

6. Having noted the submissions, in the facts and circumstances of this case, we allow this Petition and pass the following order:-

(i). The petitioner will file an undertaking with RTO that the vehicle will be moved outside the area of Greater

Mumbai within two weeks from the date on which the amount of fine, as stipulated herein, is deposited with RTO.

(ii). Before moving the vehicle, a fine of Rs.20,000/- will be deposited with RTO, Mumbai.

7. Rule is made absolute in the aforesaid terms. No costs.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)